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Note verbale dated 26 January 2001 from the Permanent Representative of Malta to the United Nations addressed to the Secretary-General

The Permanent Representative of Malta to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to note SCA/2/00(7) of 1 June 2000 referring to national measures aimed at the implementation of Security Council resolution 1298 (2000).

The Permanent Representative of Malta has the honour to convey the text of Legal Notice 188 (2000) entitled "*United Nations Sanctions (Ethiopia and Eritrea) Amendment Regulations, 2000*" which fully implements Security Council resolution 1298 (2000).

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Annex to the note verbale dated 26 January 2001 from the Permanent Representative of Malta to the United Nations addressed to the Secretary-General

NATIONAL INTEREST (ENABLING POWERS) ACT (CAP. 365)

United Nations Sanctions (Ethiopia and Eritrea) (Amendment) Regulations, 2000

IN EXERCISE of the powers conferred by article 3 of the National Interest (Enabling Powers) Act, the Prime Minister has made the following regulations:-

Citation.

1. The title of these regulations is the United Nations Sanctions (Ethiopia and Eritrea) (Amendment) Regulations, 2000, and shall be read and construed as one with the United Nations Sanctions (Ethiopia and Eritrea) Regulations, 1999, hereinafter called "the principal regulations". L.N. 74 of 1999.

Amends regulation 2 of the principal regulations.

2. In regulation 2 of the principal regulations, for the definition of "Act" there shall be substituted the following:-

""the Act" means the National Interest (Enabling Powers) Act;".

Amends regulation 3 of the principal regulations.

3. For regulation 3 of the principal regulations there shall be substituted the following:-

"3. For the purpose of article 3 (4) of the Act -

(a) Resolution number 1227 (1999) is published in the English language in the First Schedule to these regulations;

(b) Resolution number 1298 (2000) is published in the English language in the Second Schedule to these regulations.".

Adds new regulations 4A and 4B to the principal regulations.

4. Immediately after regulation 4 of the principal regulations there shall be added the following new regulations:-

"Prohibition of sales of *matériel* related to arms.

4A. Notwithstanding any other law, the sale or supply, in any manner whatsoever, by any person in Malta or by any citizen or permanent resident of Malta, whether in Malta or elsewhere, or by using their flag vessels or aircraft, of all types of *matériel* related to arms, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned to Eritrea and Ethiopia, is prohibited.

Prohibition of technical assistance etc

4B. Notwithstanding any other law, the provision to Eritrea and Ethiopia in any manner whatsoever, by any person in Malta or by any citizen or permanent resident of Malta, whether in Malta or elsewhere, of technical assistance or any training related to the provision, manufacture, maintenance or use of any of the items mentioned in regulation 4A, is prohibited.".

Renumbers and adds new Schedule to the principal regulations.

5. The Schedule to the principal regulations shall be renumbered as the First Schedule, and immediately thereafter there shall be inserted the following new Schedule:-

"SECOND SCHEDULE

(Regulation 3)

Resolution 1298 (2000)

Adopted by the Security Council at its 4144th meeting on 17th May, 2000

The Security Council,

Recalling its resolution 1177 (1998) of 26 June 1998, 1226 (1999) of 29 January 1999, 1227 (1999) of 10 February 1999 and 1297 (2000) of 12 May 2000.

Recalling in particular its urging of all States to end all sales of arms and munitions to Eritrea and Ethiopia contained in its resolution 1227 (1999),

Deeply disturbed by the continuation of fighting between Eritrea and Ethiopia,

Deploring the loss of human life resulting from the fighting, and *strongly regretting* the negative impact the diversion of resources to the conflict continues to have on efforts to address the ongoing humanitarian food crisis in the region,

Stressing the need for both parties to achieve a peaceful resolution of the conflict,

Reaffirming the commitment of all Member States to the sovereignty, independence and territorial integrity of Eritrea and Ethiopia,

Expressing its strong support for the efforts of the Organization of African Unity (OAU) to achieve a peaceful resolution of the conflict,

Noting that the proximity talks held in Algiers from 29 April to 5 May 2000 and reported in the OAU Communiqué of 5 May 2000 (S/2000/394) were intended to assist the two parties to arrive at a final detailed peace implementation plan acceptable to each of them, which would lead to the peaceful resolution of the conflict,

Recalling the efforts of the Security Council, including through its Mission to the region, to achieve a peaceful resolution of the situation,

Convinced of the need for further and immediate diplomatic efforts,

Noting with concern that the fighting has serious humanitarian implications for the civilian population of the two States,

Stressing that the hostilities constitute an increasing threat to the stability, security and economic development of the subregion,

Determining that the situation between Eritrea and Ethiopia constitutes a threat to regional peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Strongly condemns* the continued fighting between Eritrea and Ethiopia;

2. *Demands* that both parties immediately cease all military action and refrain form the further use of force;

3. *Demands further* that both parties withdraw their forces from military engagement and take no action that would aggravate tensions;

4. *Demands* the earliest possible reconvening, without preconditions, of substantive peace talks, under OAU auspices, on the basis of the Framework Agreement and the Modalities and of the work conducted by the OAU as recorded in its Communiqué issued by its current Chairman of 5 May 2000 (S/2000/394), which would conclude a peaceful definitive settlement of the conflict;

5. *Requests* that the current Chairman of the OAU consider dispatching urgently his Personal Envoy to the region to seek immediate cessation of hostilities and resumption of the peace talks;

6. *Decides* that all States shall prevent:

(a) the sale or supply to Eritrea and Ethiopia, by their nationals or from their territories, or using their flag vessels or aircraft, of arms and related *matériel* of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territory;

(b) any provision to Eritrea and Ethiopia by their nationals or from their territories of technical assistance or training related to the provision, manufacture, maintenance or use of the items in (a) above;

7. *Decides also* that the measures imposed by paragraph 6 above shall not apply to supplies of non-lethal military equipment intended solely for humanitarian use, as approved in advance by the Committee established by paragraph 8 below;

8. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) to seek from all States further information regarding the action taken by them with a view to implementing effectively the measures imposed by paragraph 6 above, and thereafter to request from them whatever further information it may consider necessary;

(b) to consider information brought to its attention by States concerning violations of the measures imposed by paragraph 6 above and to recommend appropriate measures in response thereto;

(c) to make periodic reports to the Security Council on information submitted to it regarding alleged violations of the measures imposed by paragraph 6 above, identifying where possible persons or entities, including vessels and aircraft, reported to be engaged in such violations;

(d) to promulgate such guidelines as may be necessary to facilitate the implementation of the measures imposed by paragraph 6 above;

(e) to give consideration to, and decide upon, requests for the exceptions set out in paragraph 7 above;

(f) to examine the reports submitted pursuant to paragraphs 11 and 12 below;

9. *Calls upon* all States and all international and regional organizations to act strictly in conformity with this resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any licence or permit granted prior to the entry into force of the measures imposed by paragraph 6 above;

10. *Requests* the Secretary-General to provide all necessary assistance to the Committee established by paragraph 8 above and to make the necessary arrangements in the Secretariat for this purpose;

11. *Requests* States to report in detail to the Secretary-General within 30 days of the date of adoption of this resolution on the specific steps they have taken to give effect to the measures imposed by paragraph 6 above;

12. *Requests* all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties to report information on possible violations of the measures imposed by paragraph 6 above to the Committee established by paragraph 8 above;

13. *Requests* the Committee established by paragraph 8 above to make information it considers relevant publicly available through appropriate media, including through the improved use of information technology;

14. *Requests* the Government of Eritrea and Ethiopia and other concerned parties to establish appropriate arrangements for the provision of humanitarian assistance and to endeavour to ensure that such assistance responds to local needs and is safely delivered to, and used by, its intended recipients;

15. *Requests* the Secretary-General to submit an initial report to the Council within 15 days of the date of adoption of this resolution on compliance with paragraphs 2, 3 and 4 above, and thereafter every 60 days after the date of adoption of this resolution on its implementation and on the humanitarian situation in Eritrea and Ethiopia;

16. *Decides* that the measures imposed by paragraph 6 above are established for twelve months and that, at the end of this period, the Council will decide whether the Governments of Eritrea and Ethiopia have complied with paragraphs 2, 3 and 4 above, and accordingly, whether to extend these measures for a further period with the same conditions;

17. *Decides also* that the measures imposed by paragraph 6 above shall be terminated immediately if the Secretary-General reports that a peaceful definitive settlement of the conflict has been concluded;

18. *Decides* to remain seized of the matter.".